

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SALEEBAN ADAN,	:	PRISONER CIVIL RIGHTS
Plaintiff,	:	42 U.S.C. § 1983
	:	
v.	:	
	:	
DEKALB COUNTY DISTRICT	:	CIVIL ACTION NO.
ATTORNEY,	:	1:15-CV-4392-WSD-JFK
BALDWIN COUNTY DISTRICT	:	
ATTORNEY,	:	
Defendants.	:	

**UNITED STATES MAGISTRATE JUDGE'S
FINAL REPORT AND RECOMMENDATION**

Plaintiff Saleeban Adan, also known as Saleevan Isse Adan, Georgia Department of Corrections number 1000439372, confined in Georgia State Prison in Reidsville, Georgia, has attempted to file a *pro se* pleading against the DeKalb and Baldwin County District Attorneys. (Compl., ECF No. 1; Mot., ECF No. 2).

Section § 1915(g) of Title 28 does not allow a prisoner to bring an *in forma pauperis* civil action in federal court “if the prisoner has, on 3 or more prior occasions, while incarcerated . . . , brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” When § 1915(g) does not allow a prisoner to proceed *in*

forma pauperis, the complaint should be dismissed without prejudice, and, a prisoner wishing to pursue his or her claims, must refile the action with full payment of the filing fee. See Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002).

Plaintiff, while incarcerated, has filed at least three civil actions that have been dismissed as frivolous, malicious, or for failure to state a claim. See Adan v. Does, No. 5:15-cv-0047-MTT-MSH (M.D. Ga. Mar. 5, 2015) (listing cases). Plaintiff shows no action by the named defendants that places him in imminent threat of serious injury, and this case is due to be dismissed.

IT IS RECOMMENDED that Plaintiff be **DENIED** *in forma pauperis* status and that this action be **DISMISSED WITHOUT PREJUDICE**.

IT IS ORDERED that Plaintiff's motion for default judgment [2] is **DENIED** as moot.

The Clerk is **DIRECTED** to withdraw the reference to the Magistrate Judge.

IT IS SO ORDERED and RECOMMENDED this 21st day of January, 2016.



JANET F. KING
UNITED STATES MAGISTRATE JUDGE